

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF GEORGIA
AUGUSTA DIVISION

FILED
U.S. DISTRICT COURT
AUGUSTA DIV.

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UNITED STATES OF AMERICA

v.

WALTER DONTA GETER

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CR 111-184

O R D E R

Defendant Walter Donta Geter has filed an "emergency motion" seeking "early release" under 18 U.S.C. § 3582(c) and the First Step Act. Defendant cites "this time of crisis" which the Court presumes is referencing the current COVID-19 pandemic.

Section 3582(c)(1)(A), commonly referred to as the "compassionate release" provision, provides a narrow path for a defendant in "extraordinary and compelling circumstances" to leave prison early. Prior to the First Step Act, only the Director of the Bureau of Prisons ("BOP") could bring a motion for compassionate release under this statute. However, Section 603(b) of the First Step Act amended § 3582(c)(1)(A) to permit a defendant to bring a motion for compassionate release after either exhausting administrative rights to appeal the BOP's failure to bring such a motion or the passage of thirty days from the defendant's unanswered request to the warden for such relief. 18 U.S.C. §


3582(c)(1)(A). In this case, Defendant's emergency motion does not show that he has complied with this process; his motion is therefore premature.

Moreover, the Court is constrained to follow the applicable policy statements issued by the United States Sentencing Commission in consideration of compassionate release. See 18 U.S.C. § 3582(c)(1)(A). The existing policy statement, U.S.S.G. § 1B1.13, provides that in addition to the existence of extraordinary and compelling reasons, the defendant must not present a danger to the safety of any other person or the community. Application Note 1 lists three specific examples of extraordinary and compelling reasons to consider reduction of a defendant's sentence under § 3582(c)(1)(A): (1) medical condition; (2) advanced age; and (3) family circumstances. Id. n.1(A)-(C). Defendant has not met the specific criteria for any of these categories. The application note also provides a catch-all category: **"As determined by the Director of the Bureau of Prisons,** there exists in the defendant's case an extraordinary and compelling reason other than, or in combination with," the aforementioned three categories. Id. n.1(D) (emphasis added). The Court has not been made aware that the BOP Director has sanctioned Defendant's early release. In short, the Court must also deny Defendant's motion for compassionate release on the merits because he does not meet the specific examples of

extraordinary and compelling reasons and the Director of the BOP has not determined that circumstances outside of these examples exist to afford him relief.

Upon the foregoing, Defendant Walter Donta Geter's emergency motion for early release (doc. no. 97) is hereby **DENIED**.

ORDER ENTERED at Augusta, Georgia, this 23rd day of April, 2020.


UNITED STATES DISTRICT JUDGE